

RECORDING OF PROCEEDINGS

Wyoming Board of Agriculture
April 12 and 13, 2010
Department of Agriculture Conference Room

Present: Juan Reyes
Jim Hodder
Shaun Sims
Jim Bennage
Joe Thomas
Jim Price
John Hansen
Dalin Winters
Bryan Brost
Jason Fearneyhough, Director
Frank Galey, UW College of Ag & Natural Resources Dean

Absent: Bridget Kukowski
Ryan Lance, Governor Freudenthal's Office

Minutes

Shaun Sims made a motion to approve the March 10 Conference Call Minutes. The motion was seconded by John Hansen. All voted in favor. Motion carried. Jim Price made a motion to approve the minutes from the February 16, 17, and 18 noting the date was shown as the 19th rather than the 18th. The motion was seconded by Dalin Winters. All voted in favor. Motion carried.

President and Vice President Nominations

Dalin Winters nominated Jim Bennage. No other nominations were made. All voted in favor of Jim Bennage as the President for the next year. Joe Thomas nominated Shaun Sims as the Vice President for the next year. No other nominations were made. Both nominations were approved unanimously.

F.A.I.R. MOU

The members reviewed the current MOU between Wyoming State Fair, the Board of Agriculture and F.A.I.R. Jason gave some background to the members. No changes were made to the MOU.

DEQ Update

John Cora was on hand to give the members an overview of the pesticide usage, CAFOs, TMDLs and Air Quality. On CAFO Rules, the EPA Goals are to address raw sewage, pollution, storm water runoff. The new CAFO Rule says permits have to develop a potential to discharge for CAFO permits. They also have to submit a nutrient management plan which will be part of the permit. He said that we do have an ozone problem in the Pinedale area. Ozone is a gas formed with the right amount of nitrogen oxide (which is exhaust from vehicles) and volatile organic compound. Coal Bed Methane discharge has been an ongoing issue since the beginning of methane mining. Other than the need to manage the irrigation, not all of that water is a problem. Sodium is an issue. When this is a problem, a use attainability analysis is used. He said there are 52 TMDLs in progress, with 32 contracted out, and one approved so far. 18 should be approved by the end of the year and about 20 next year. John said the Environmental

Quality Council is an independent agency. They have to promulgate rules, hear contested cases. John said he would like to come to talk with the board more often.

Juan wanted to know if DEQ made any recommendations on wind policy to the Industrial Sighting Council. John explained the Council is a part of DEQ and said they usually take the recommendation that Agencies send in and go with them. John asked that if the BOA wants to talk about wind energy development, would it work to have them and the Game and Fish join the board at the next meeting. The board response was a definite yes. DEQ is a decision making agency. When they interact with Game and Fish, they have to follow the recommendation of Game and Fish when it comes to wildlife. He said they are the experts and DEQ does follow most of their recommendations. Jim Bennage suggested we appoint an ad hoc committee to meet with the Industrial Siting Council. John Hansen suggested the Game and Fish Commission and the Board meet after the ruling.

Rangeland Monitoring

Glen Whipple and John Tanaka were both on hand to visit about the educational arm of the legislation. They are thinking of positioning someone who will work closely with BLM and other agencies. Glen says they have a rangeland monitoring team already in place. They are planning on expanding that program and the local extension staff will be prepared to help in those areas. Shaun said some of the conservation districts already have rangeland health folks on board. They have already been working with BLM and permittees on the permit renewals. BLM is looking as permitting on a landscape scale rather than permit by permit. Lander will be the test area. If that educational approach works, they will continue around the state. Jim Price asked why they pick Lander when that BLM office can't even manage the wild horses. John said ecological science will define the 9 areas of the state. Jason said the rangeland health bill passed with the funding for the Department of Agriculture was removed, but the funding for the university remained. The department did get \$20,000 for pilot projects. The data collected will be public because the funding is public. Private property rights have to be kept in mind. The data from private lands is owned by the landowner unless they use any public funds to obtain that data. The question of where that data would be stored came up. Joe Thomas said that during the rule making process would be a good time to weigh in on that. John Tanaka said their role is educational, not collecting data. The department and the university have had a good working relationship in the past and it was noted that if there is confidence in the way the data is collected, it should work well.

Budget

Julie presented the board with their 2011 budget and reviewed the process again with them. **Joe Thomas made a motion to approve the budget. The motion was seconded by Jim Price. All voted in favor. Motion carried.**

Dalin Winters was appointed to be the budget officer for the board. The issue of whether Jason is a voting member came up. It was decided to check with Ken Nelson to see if having a budget officer on the board was alright and to see if Jason was a voting member.

Mediation

Lucy Pauley said they have had a good year when compared to past years. She said BLM is not obligated to offer mediation, but the Forest Service is. She also indicated that it is better to offer mediation early in the negotiation process rather than later.

Horse Update

Jason says the AMLs are above the acceptable levels but BLM is following the consent decree. They do have a roundup scheduled this fall which is in line with their schedule. There is pressure to do another consent decree in 3 years. The Rhone Act calls for an increase numbers of AMLs and reduction in management. Jason thinks a reduction in management translates to no management. The horses reproduce at such a rate that they cannot reduce management at this point.

Wind Energy Development

Juan thought the recommendations from the wind energy task force was the end of the recommendations. The Game and Fish is making their recommendations to the Industrial Sighting Council after the Commission meet on April 23. They want a 2-mile buffer on streams and ponds. He feels the private property rights are not being protected. Game and Fish is protecting several species, not just the Sage Grouse. He is also upset that the ag community was not involved in the development of their recommendations. The Commission said the reason for the urgency of the recommendations is because nine projects are waiting for permits. Juan said a group of six landowners prepared comments and gave them to Game and Fish within the extended time period. His group would like to see their recommendations as a part of Appendix A and to have it sunset in July. They should continue as a part of the Game and Fish recommendations. The Commission's recommendations will then go to the Industrial Siting Council. Juan doesn't think very many folks in the ag community even were aware of the document. Juan feels the Game and Fish should have made a point to contact the Board of Agriculture or individual landowners or ag organizations. The general feeling was the members were to contact each commissioner and let them know the issue the Board has with their recommendations. The Board needs to have a statement to be submitted to the Game and Fish at their April 23rd meeting. Patrick, Shaun, Jim Price and Juan were appointed to draft a statement and have it ready for discussion tomorrow morning following the Wyoming Livestock Board time on the agenda.

Those who attended the Game & Fish Commission meeting in Casper said the Commission said they would not sign the joint letter they have been working on since last September, because they wanted the word incentives replaced by options.

Jim Price made a motion to accept the letter as written. The motion was seconded by John Hansen.

Discussion: Jessica Crowder feels that not changing the language would not necessarily stop discussion with the Commission. Juan wonders why all of a sudden his board and the Commission are not able to work on something together, like this letter. Jim Bennage agreed. He would like to discuss with the Commission that they feel they have let the BOA down. In the draft letter, back in March, the appointed ad hoc committee felt the letter was all geared towards Game and Fish, but felt that incentives was the correct word to use. John Hansen doesn't like the first paragraph. **All voted in favor. Motion carried.** Juan would like to excuse himself from the meeting of the Commission on April 26 in Casper.

Wyoming Business Council - Agribusiness Division

Cindy Garretson-Weibel introduced John Henn who is the Livestock Marketing Manager. He administers the Wyoming Verified Program including age source verification. The cost to the producer is about \$2.50 per head but they can easily reap that back. He also works with meat producers in a variety of programs to help them in adding and capturing value added.

Scott Keith who manages the Livestock Genetics Program explained the four areas he is involved with. The fort is working with producers in the design marketing program; he is the liaison to breed associations; does seed stock promotion; and finally the international programs.

Donn Randall is the crop and forage manager and works with the Educational Marketing Program. Grants are a big part of his position working with producers to help them. He works with FFA on career development, helps producer's market hay, and works with WUSATA. He indicated the international marketing is all new to him.

Cindy talked about the Farmers Market Program, as Kim Porter was unable to be at the meeting. She said they are involving youth farmers in those markets. She (Kim) also works on the L.E.A.D. program which is now a 14 month program, and is based on participants' needs.

Cindy said her division also works on development and education using webinars.

Joint meeting with the WBC in June

The board wanted to make sure everyone is familiar with the soft money that goes through the Department. They also suggested an open discussion on the enhancement of production agriculture and how the two agencies can work together.

The Board adjourned for the day.

April 14, 2010

Game and Fish Issues for September Meeting

Juan wanted to talk with them about the change in attitude, wind energy BMPs and why there was no notification to the WDA; and the joint letter they want changed. Joe Thomas said when the board used the word "incentives" they were not just talking about a monetary compensation. The board meant there could be a variety of incentives like additional licenses, etc. Jim Price also wanted to visit about them addressing the elk population. Joe also suggested an update on the poisoning of fish in the northern part of the state. They will be revisiting this subject after the Game and Fish Commission meeting April 23. The board asked Jason to have a meeting with Steve Ferrell before the 23rd if possible to express the board's concerns. Jim Bennage is planning to get in touch with Ed Gingery to do the same. They expressed an interest in visiting about the test and slaughter program for Brucellosis. The board will finalize the issues at the June meeting.

Update on Enhancing Production Ag

Ted gave a handout on the Specialty Crop Rules from USDA which limits the target areas. Ted is also looking into grant possibilities for mobile slaughter. He said digesters add to production ag, which removes the methane gas.

Wyoming Livestock Board Update

Jim Schwartz said the Joint Ag Committee is looking at the statutes for Animal Welfare and Animal Cruelty. Jim would like to see pet animals out of the jurisdiction of the WLB and let them handle livestock. There really isn't anyone to handle the oversight of pet animals. The WLB does not like the term "of every living dumb creature" because it's too broad. The WLB put together a meeting of everyone concerned to come up with ideas on how to handle animal cruelty and welfare. He then handed out the final outcomes from that meeting. Jim said the test and slaughter program is complete as requested by the GBCT, but he is going to ask them to continue it and would like the Board's support. Jim also talked about possible revisions they would like to see to the Vet Practice Act. They would like it

to allow veterinarians to hire someone to work under them to allow them to do things like preg checking, etc.

Food Freedom Act

Linda Stratton said we are now nine months into the new Cottage Rule. This rule allows non-hazardous items such as cookies, etc. to be made in private kitchens and sold to the public. Several folks have the wrong idea. Some believe they can make just about anything and sell it. Labeling issues with production non-profit church groups are exempt from having to have inspections but not labeling. Enforcement has been delayed. Eli Bebout and Sue Wallis along with others sponsored HB 54. When it was introduced, Representative Wallis said we were shutting down weddings and church events. When doing Chile cook offs they must be licensed because it's potentially hazardous. If the bill had passed last session, we would have lost our equal-to-status. All plants would then have to qualify for USDA inspection. Not all would qualify and that would be detrimental to the beef industry. Linda asked for the board's help in educating constituents and lobbying in support of Linda asking for no introduction of the Food Freedom Act.

Weed and Pest Law Changes

Slade followed-up on the proposed changes to the law that Lars Baker presented to the members at the last meeting. He said those changes were presented to the Joint Ag Committee and they were good with them. Slade also talked about the grasshopper season. He feels Wyoming is probably in the best shape of any of the surrounding states. Seventeen counties are ready to start application. BLM has yet to come up with the funding. If warm weather continues, he said we may only be a couple of weeks away from the hatch. He indicated Teton, Lincoln, Uinta and Sweetwater counties probably won't have so much of a problem. If the grasshoppers are caught at about the size of a grain of rice, the product will work.

Fencing

The Wyoming Wool Growers Executive Director, Bryce Reece proposed some changes on the fencing statute to the Joint Ag Committee. The current statute considers Wyoming a fence-out-state except when it comes to sheep; they must be herded. There have been concerns on small acreages, as they do not want to pay for fencing and there are also issues with the types of fencing to be used. The board feels Wyoming needs to continue to be a fence-out-state.

Livestock Remedies

Hank said this statute has not been updated for eighty years. They are looking at veterinarian products. The statute requires WDA to keep a sample of those products that are registered. This is just not feasible and has not been a problem. The law requires a licensing fee of \$5.00 per product. The Department would like to see the fee raised to \$20.00 per product.

MOU with F.A.I.R. and State Fair

James Goodrich explained the background for the MOU and the board was okay with the current language in the MOU.

State Fair Update

James presented some of the fee changes for this upcoming State Fair. He said ground admission would remain the same, the concert will be a fee of \$15 for all tickets, the campground fee would be \$160 now because of the improvements made, but the daily campground fee would remain at \$25. House trailer

campground was \$15.00 and will be increased to \$25.00 because of the improved service to that area. Open class exhibits will be \$1.00 per item. They are eliminated the sliding scale because the software can't do that. Beef cattle are being raised from \$6.00 to \$10 because they are going to be providing a wood product for bedding. Open class cattle are being raised from \$20.00 to \$25.00 for that same reason. They are also eliminating a complimentary bag of shavings with each stalling fee. They did reduce the late fees from double to just \$30.00 each. There is no increase in the meals at the cafeteria.

Jim Hodder made a motion to approve the changes presented by James. The motion was seconded by Bryan Brost. All voted in favor. Motion carried.

The issue of adults fitting cattle has been raised. There are probably several instances of this happening, but James doesn't feel this is as big an issue as Mr. Shiermister does. Mr. Shiermister doesn't feel he should be contributing to awards when this is happening. James says elimination and control will take more resources. Jim Price feels the rules need to be either removed or enforced. James sees it an educational approach first, and if necessary, then regulate. Joe Thomas suggested the FFA Advisors help patrol. The board is in favor of surveying the kids to see if they perceive a problem and to try and watch it closer.

Strategic Plan

After reviewing the Strategic Plan, Juan Reyes made a motion to approve the draft with a few changes. The motion was seconded by Joe. All voted in favor. Motion carried.

Administrative Provisions

Joe Thomas made a motion to add a budget officer to the provisions and accept the rest of the document as presented. Jim Price, Jr. seconded the motion. All voted in favor. Motion carried. It was also suggested the board meet with the Principal Accountant on a quarterly basis and report back to the board following the end of the quarter. Jim Price made a motion to include the wording above to the provisions and accept them as discussed today. This motion was seconded by Dalin Winters. All voted in favor. Motion carried. Joe then asked Dalin Winters if he would be willing to take on being the budget officer for the board for a period of one year. Dalin agreed. Joe then made a motion to appoint Dalin Winters as the budget officer. The motion was seconded by Jim Price, Jr. All voted in favor. Motion carried.

AFOs/CAFOs

Bobbie Frank said everyone needs to keep an eye on what EPA is doing on CAFO's. Chesapeake Bay is a sample of the direction EPA is going with the rest of the county regarding non-point source. They (EPA) will also doing their own inspections it look like. She also talked some about the model being developed by DEQ for UAAs (Use Atainability Agreements). She said that if this works, it will save a lot of time and money in UAAs.

Statement to Game & Fish Commission

The draft statement put together by the ad hoc committee yesterday was read to the board. **Jim Price made a motion to approve the letter drafted and read by Patrick Zimmerer. The motion was seconded by John Hansen. All voted in favor. Motion carried.**

Use of Off Road Vehicles on Forest Service Land

Leanne said the scoping statement should be out next week. At the present time there is no classification on roads. Forest Service is considering some roads as trails. If using roads with ATVs, the

driver must have a license to make them road worthy. She is waiting to see what the outcomes will be after the next meeting. WDA will be commenting on the whole process. The next meeting should be in the next 30 days.

Sublette County Water Quality Grant

Jim Price, Jr. made a motion to approve the final report as recommended by Justin for the Sublette County Water Quality Funding they had received in the last biennium. The motion was seconded by John Hansen. All voted in favor. Motion carried. In the future, Justin will present the recommendations in the form of a let to the district after reviewing the reports and the BOA will approve or reject those recommendations.

Popo Agie Conservation District Amendment

Shaun Sims made a motion to extend the Popo Agie Conservation District's Sweetwater Watershed Reconnaissance Study Grant from June 30, 2010 to June 30, 2011, with the final report and return of unused funds due to the WDA on July 29, 2011. The motion was seconded by Joe Thomas. All voted in favor. Motion carried.

Hot Springs Amendment Request

Shaun Sims made a motion to extend the Hot Springs Conservation District's Owl Creek Water Sampling and Assessment Grant from July 1, 2010 to June 30, 2011, with the final report and return of unused funds due to the WDA on July 29, 2011. Shaun Sims made a motion to amend the Hot Springs Conservation District's Owl Creek Water Sampling and Assessment Grant to include a new task #4 for reasons stated in the Extension/Amendment request submitted by the district. The motion was seconded by John Hansen. All voted in favor. Motion carried.

Lisa Reinhart visited with the board regarding the Johna field office.

Justin Caudill passed out an update on the WLC and talked about an overlay map he is developing.

There being no additional business, the meeting was adjourned.

Respectfully submitted,

Jim Bennage, President

Date